that they were misbranded. On June 16, 1941, a libel was filed in the Northern District of Texas against 289 bottles of 10 percent and 28 bottles of 25 percent dextrose in physiological solution of sodium chloride at Dallas, Tex., which had been consigned by the Upjohn Co., alleging that it had been shipped within the period from on or about March 7 to on or about May 23, 1941, from Kalamazoo, Mich.; and charging that it was misbranded.

The articles were alleged to be misbranded in that they would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, namely, "For Parenteral Injection."

On June 17, 1941, the shipper having consented to the destruction of the dextrose seized at Dallas, judgment of condemnation was entered and the product was ordered destroyed. Between July 10 and November 14, 1941, no claimant having appeared for the remaining products, judgments of condemnation were entered and the products were ordered destroyed.

604. Adulteration and misbranding of Zerbst's Capsules. U. S. v. 12 Dozen Cartons, 387 Dozen Cartons, 47 Dozen Cartons, 141 Dozen Cartons and 1,000 Sample Envelopes of Zerbst's Capsules. Consent decree of condemnation and destruction. (F. D. C. Nos. 4834, 4835. Sample Nos. 43426-E, 43427-E).

These capsules were found to consist essentially of acetanilid (4 samples examined contained 1.132, 1.282, 1.125, and 1.289 grains, respectively), together with caffeine, asafoetida, camphor, capsicum, and plant materials including aloin. They would be dangerous to health when used in the dosage or with the frequency or duration prescribed in the labeling, which failed to reveal the consequences which might result from their use. The labeling was further objectionable, as indicated below.

On June 11, 1941, the United States attorney for the Western District of Oklahoma filed a libel against 528 dozen small cartons, 59 dozen large cartons and 1,000 sample envelopes of Zerbst's Capsules at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about January 28 to on or about February 18, 1941, by Zerbst Pharmacal Co. from St. Joseph, Mo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely, (label) "Each Capsule contains as active ingredients, Acetanilid 1 Grain," whereas each capsule contained materially more than 1 grain of acetanilid in each capsule.

It was alleged to be misbranded (1) in that the directions for use, namely, "Adults—To allay the discomfort in breaking up a common head cold, simple headache or neuralgia, take one capsule every half hour until three are taken, then one capsule in two or three hours until three more are taken. Children—12 years old, one capsule, repeated in three hours," were not appropriate for an article of the composition disclosed by the analysis, and were therefore inadequate; (2) in that the label failed to bear adequate warnings against its use by children or in those pathological conditions where its use might be dangerous to health, and against unsafe dosage or duration of administration, in such manner and form as are necessary for the protection of users; and (3) in that it was dangerous to health when used according to the directions appearing on the label as set forth above.

On October 1, 1941, the claimants having withdrawn their answers and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

605. Misbranding of Mrs. Moffat's Shoo Fly Powders for Drunkenness. U. S. v. 11¼ Dozen Packages of Mrs. Moffat's Shoo Fly Powders. Case tried to the court. Judgment for the Government. Decree of condemnation and destruction. (F. D. C. No. 3444. Sample No. 19574-E.)

This product contained tartar emetic and would be dangerous to health when used according to directions; and it would not be an effective and appropriate treatment for drunkenness as suggested in the labeling.

On November 27, 1940, the United States attorney for the Western District of New York filed a libel against the above-named product at Buffalo, N. Y., alleging that it had been shipped on or about November 2, 1940, by M. F. Groves' Son & Co. from Philadelphia, Pa.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted of antimony and potassium tartrate (tartar emetic).

The article was alleged to be misbranded (1) in that it would be dangerous to health when used in the dosage or with the frequency or duration prescribed,